

REMARKS

The Official Action mailed July 6, 2009, and the Advisory Action mailed March 23, 2009, have been received and their contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to July 23, 2009. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 27, 2006, and January 15, 2009.

Claims 1-12 were pending in the present application prior to the above amendment. Claims 1, 6, 9, 10 and 12 have been amended to better recite the features of the present invention, and new claims 13-17 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-17 are now pending in the present application, of which claims 1, 6, 9, 10 and 13 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

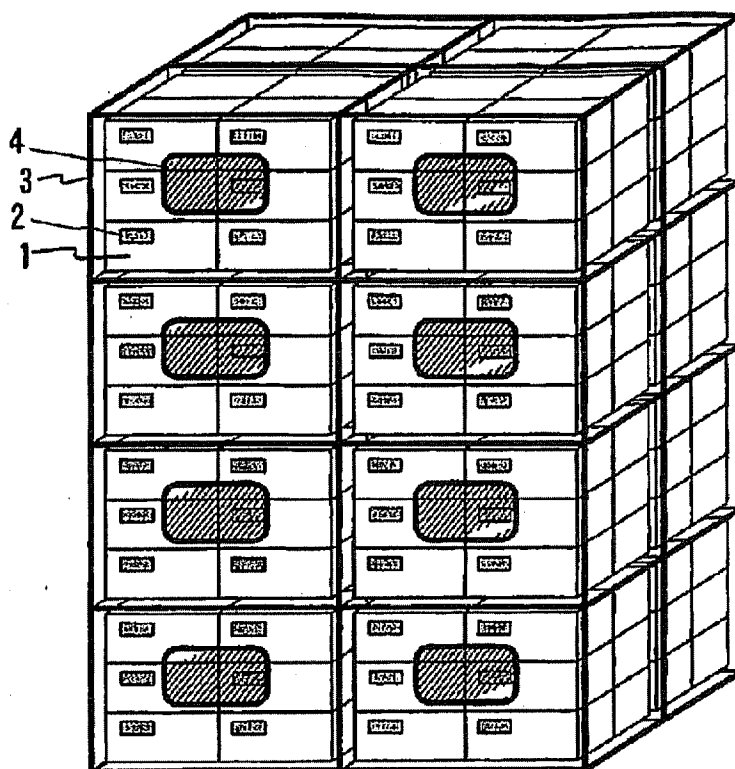
Paragraph 3 of the Official Action rejects claims 1-12 as obvious based on the combination of U.S. Publication No. 2004/0217867 to Bridgelall and U.S. Publication No. 2004/0245519 to Van De Walle. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the

prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1 and 6 have been amended to recite a resonance circuit; and a reader/writer for at least one of reading information stored in a semiconductor device and writing information in the semiconductor device, where the resonance circuit comprises an antenna coil and a capacitor, where a packing material for packing a product is provided with the resonance circuit, and where the resonance circuit can communicate with the reader/writer and the semiconductor device. Also, new independent claim 13 recites these features. Independent claims 9 and 10 have been amended to recite that a semiconductor device is attached to a product, the product is contained in a packing material, a resonance circuit is attached to the packing material and a reader/writer is disposed outside of the packing material. These features are supported in the present specification, for example, by Figure 1. For example, the present specification discloses the following: "In FIG. 1, a plurality of packing bodies 3 in which products 1 are packed are stacked. An ID tag 2 storing various information about the product 1 is attached to the product 1. A resonant circuit portion 4 is formed in the package body 3" (paragraph [0030] of the pre-grant publication of the present application; the pertinent portion of Figure 1 is reproduced below).

FIG. 1



The present specification makes clear, for example, that a product 1 is separate and distinct from a packing material such as a package body 3, that the product 1 is provided in the package body 3, that the package body 3 is provided with a resonant circuit 4 and that the product 1 is provided with a semiconductor device such as an ID tag 2. These terms are used consistently and unambiguously throughout the specification.

For the reasons provided below, Bridgelall and Van De Walle, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The *Advisory Action* newly asserts that "dictionary.com" defines "the term 'package' ... as 'a bundle of something'" (page 2, Paper No. 20090630). Also, the *Advisory Action* newly asserts that "Bridgelall teaches the product as each [individual] boxes as shown in 62, Fig. 10, whereas the package as plurality of boxes [stacked-up]

together as shown in 60, Fig. 10" (Id.). That is, the *Advisory Action* appears to interpret the "package" of the present claims as corresponding to a stack 60 of containers (Figure 10, reproduced below).

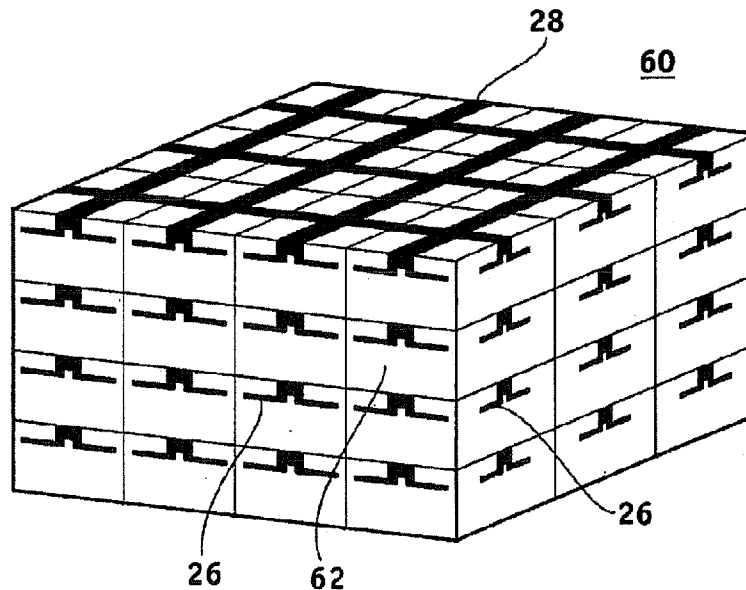


FIG. 10

The Applicant respectfully disagrees and traverses the assertions in the Official Action.

The claim interpretation in the *Advisory Action* is unreasonable. The Applicant notes that in citing "dictionary.com" to support the interpretation, the *Advisory Action* omits the most relevant part of the definition. That is, the *Advisory Action* alleges that "package" is defined by dictionary.com as "a bundle of something," while the complete definition, according to that website, is "a bundle of something, usually of small or medium size, that is packed and wrapped or boxed; parcel" (emphasis added). The complete dictionary.com definition clearly contradicts the arguments in the *Advisory Action*. For example, it is clear that Bridgelall's stack 60 is not "packed and wrapped or boxed;" therefore, the stack 60 is not a package. Also, the complete dictionary.com definition supports the plain meaning of these terms and supports the meaning of these terms as defined by the present specification.

MPEP § 2111 states that “[d]uring patent examination, the pending claims must be ‘given their broadest reasonable interpretation consistent with the specification’” (emphasis added). The present specification clearly defines a package as having an independent body (see, e.g., Figure 1 and paragraph [0030]), which the interpretation in the *Advisory Action* contradicts.

As such, the Applicant respectfully submits that it is unreasonable to interpret “package” as corresponding to Bridgelall’s stack 60 of containers. Bridgelall’s stack 60 of containers is merely a plurality of individual containers 62, not a structure that is separate from the containers 62 that constitute the stack 60. Thus, the assertions in the *Advisory Action* are inappropriate.

In any event, to further clarify the distinctions between the present claims and the prior art of record, the Applicant has amended the claims as noted in detail above. For example, “package” has been changed to “packing material.” For at least the reasons noted above, the Applicant respectfully submits that it is unreasonable to assert that Bridgelall’s stack 60 of containers shown in Figure 10 corresponds to the packing material of the present claims.

As noted, for example, at page 5 of the *Response* filed June 23, 2009, Van De Walle does not cure the deficiencies in Bridgelall.

Based on a reasonable interpretation of the present claims that is consistent with the present specification, it is clear that Bridgelall and Van De Walle do not teach or suggest a resonance circuit; and a reader/writer for at least one of reading information stored in a semiconductor device and writing information in the semiconductor device, where the resonance circuit comprises an antenna coil and a capacitor, where a packing material for packing a product is provided with the resonance circuit, and where the resonance circuit can communicate with the reader/writer and the semiconductor device; or that a semiconductor device is attached to a product, the product is contained in a packing material, a resonance circuit is attached to the packing material and a reader/writer is disposed outside of the packing material.

Therefore, the Applicant respectfully submits that Bridgelall and Van De Walle, either alone or in combination, do not teach or suggest the above-referenced features of the independent claims of the present application.

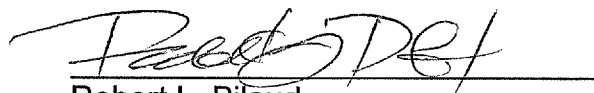
Since Bridgelall and Van De Walle do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New claims 13-17 have been added to recite additional protection to which the Applicant is entitled. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 13-17 are in condition for allowance.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Robert L. Pilaud', is written over a horizontal line.

Robert L. Pilaud
Reg. No. 53,470

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789